

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON/GREENWOOD DIVISION**

Nathaniel Johnson,	)	
	)	
Petitioner,	)	C.A. No.: 8:17-cv-2733-PMD-JDA
	)	
v.	)	<b>ORDER</b>
	)	
Warden Randall Williams,	)	
	)	
Respondent.	)	
_____	)	

This matter is before the Court on Petitioner Nathaniel Johnson’s objections to United States Magistrate Judge Jacquelyn D. Austin’s report and recommendation (“R & R”) (ECF Nos. 10 & 8). The Magistrate Judge recommends summarily dismissing Petitioner’s petition for relief under 28 U.S.C. § 2254 (ECF No. 1) for lack of jurisdiction. Specifically, the Magistrate Judge found that Petitioner had not received authorization from the United States Court of Appeals for the Fourth Circuit to file a successive petition as required by 28 U.S.C. § 2244(b)(3)(A). Petitioner explained in his objections that he was not previously aware of this requirement but that he would request authorization from the Fourth Circuit. On November 20, 2017, Petitioner asked the Fourth Circuit for leave to file a second habeas corpus petition. The Fourth Circuit denied his motion on December 5. *In re: Nathaniel Johnson*, No. 17-428 (4th Cir. Dec. 5, 2017). Consequently, the Court does not have jurisdiction to consider Petitioner’s successive petition. *See United States v. Winestock*, 340 F.3d 200, 205–06 (4th Cir. 2003).

For the foregoing reasons, it is **ORDERED** that Petitioner's objections are **OVERRULED** and his § 2254 petition is **DISMISSED**.

**AND IT IS SO ORDERED.**

  
\_\_\_\_\_  
PATRICK MICHAEL DUFFY  
United States District Judge

**March 28, 2018**  
**Charleston, South Carolina**